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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D. C. 20554

In the Matter of

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CC Docket 96-98

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Petition of the Illinois Commerce Commission
for Temporary Waiver of 47 C.F.R. Section
52.19(c)(3)(ii)

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NSD File No. L-99-65

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COMMENTS OF AMERITECH

Ameritech supports the Petition of the Illinois Commerce Commission ("ICC") for a temporary waiver of the Federal Communications Commission's ("Commission's") Rule 52.19(c)(3)(ii). This rule requires that when an all service overlay NPA relief plan is implemented, mandatory ten-digit dialing for all calls must be in place for the overlay NPA and any existing NPA that it overlays. 47 C.F.R. Section 52.19(c)(3)(ii). The ICC seeks a temporary waiver to defer implementing mandatory ten-digit dialing in any Chicago metropolitan area NPA until overlay NPAs have been implemented for all of the Chicago metropolitan area NPAs. Granting the waiver requested by the ICC would benefit consumers, would not harm competition, and would be consistent with relief granted by the Commission in other large metropolitan areas.¹

The ICC has a positive record on number administration issues. Illinois was the first state to trial and implement technology-based, long-term number portability ("LNP") and the first

¹ In its Comments and Reply Comments in the *Number Optimization Docket (Number Resources Optimization, CC Docket No. 99-200, Notice of Proposed Rulemaking, released June 2, 1999)*, Ameritech recommended suspending the mandatory ten-digit dialing requirement altogether. The same arguments which support suspending the requirement support granting the ICC's Petition for temporary waiver if the requirement is not suspending.

state to conduct a successful trial of thousands-block number pooling based upon that number portability technology. Under the ICC's leadership, the number pooling trial recently was expanded to the 630 NPA and shortly will be in effect in all of the Chicago metropolitan area NPAs. The ICC also was an early advocate of effective number conservation measures, having ordered such measures in the Chicago metropolitan area in May, 1998.² The ICC again demonstrated its leadership by approving all service overlay relief plans for all of the Chicago metropolitan area NPAs.³ While all service overlays were the preferred form of area code relief, the consumer intervenors urged the ICC to delay implementing the overlay NPAs for as long as possible to allow number pooling and number conservation the maximum opportunity to delay NPA exhausts. The ICC responded to this consumer sentiment with an innovative approach which allows all of the preparatory work for the overlay NPAs to be done in advance, but which delays the actual implementation of each overlay NPA until the existing NPA that it will overlay has actually exhausted.

The actions the ICC has taken have benefited consumers and carriers alike. Number portability allows customers to retain their existing telephone numbers when switching between local service providers. Thousands-block number pooling and number conservation measures, as implemented by the ICC, have improved number utilization, thereby, making more numbers in existing NPAs available to competitive carriers and extending the lives of those NPAs for consumers. All service overlays are the optimum form of area code relief in the Chicago metropolitan area because they avoid the economic and social costs, and customer frustration,

² ICC Docket Nos. 97-0192/97-0211(Cons.), Order, May 11, 1998.

³ ICC Docket No. 98-0847, Order, June 30, 1998.

associated with mandatory customer number changes. All service overlays also avoid the dilemma of attempting to draw new area code boundaries through densely populated communities in a way that will accommodate both existing political boundaries and existing technology constraints.

The ICC's Petition for a temporary waiver of the mandatory ten-digit dialing requirement is another positive step by the ICC to protect consumers by avoiding an unintended adverse consequence that would result if the ICC were required to implement mandatory 10-digit dialing when an overlay NPA was implemented over only a part of the Chicago metropolitan area. The Commission stated in its Number Optimization Notice of Proposed NPRM that "if ten-digit dialing were adopted as part of a national optimization policy, customer confusion resulting from inconsistencies in dialing patterns from one area to another would be eliminated."⁴ That is true, but if mandatory 10-digit dialing were implemented in different parts of the Chicago metropolitan area on different dates, as strict adherence to the Commission's Rule would require, the result would be to cause customer dialing confusion, not to eliminate it.

Currently, the Chicago metropolitan area is served by five NPAs: 312 (Chicago Loop), 773 (Chicago outside the Loop), 847 (north and northwest suburbs), 630 (west suburbs) and 708 (south and southwest suburbs). Three of these NPAs (847, 630 and 773) were implemented within the last four years as a result of geographic splits. Nevertheless, all of these NPAs are projected to exhaust on different dates over the next 18 months. Under the ICC's June 30, 1998, Order, number relief will be provided with an all service overlay each time one of the existing NPAs exhausts. The ICC's Petition simply asks that the ICC be allowed to delay mandatory ten-

⁴ *Number Resource Optimization*, CC Docket No. 99-200, Notice of Proposed Rulemaking, released June 2, 1999 ("Number Optimization NPRM") at par. 124

digit dialing in any of the Chicago metropolitan area NPAs until all service overlays are implemented for all of these NPAs.

The Commission previously granted similar relief for New York City.⁵ The New York State Department of Public Service had approved two all service overlay relief plans, one for Manhattan and one for the other New York City boroughs. The Manhattan overlay was being implemented before the overlay in the other boroughs. The Commission granted a temporary waiver of mandatory ten-digit dialing in Manhattan until the second overlay was implemented in the other boroughs. The Commission reasoned that because New York City represented a single, geographically-defined unit, implementing ten-digit dialing on the same date throughout the City would be less disruptive and confusing to businesses and residents.⁶

As in New York, businesses and residents in the Chicago metropolitan area would benefit from postponing mandatory ten-digit dialing until overlay NPAs are in effect for the entire area. The Chicago metropolitan area represents a common media market, and it would be easier and less confusing to prepare customers for mandatory ten-digit dialing if it were implemented on a common date throughout the metropolitan area. Customers would have more lead time to convert their premises equipment (PBX and key systems, etc.) and automatic dialers to the ten-digit format. Alarm companies would have additional time to convert automatic dialers on customer premises to the ten-digit format and to replace obsolete dialers that will not

⁵ New York Department of Public Service Petition for Expedited Waiver of 47 C.F.R. Section 52.19(c)(3)(ii), *Order*, DA 98-1434. NSD File No. L-98-03 (rel. July 20, 1998) (*New York Order*).

⁶ *New York Order*, par. 16. For different reasons, the Commission also granted a temporary waiver of mandatory ten-digit dialing for the Dallas and Houston areas in Texas. Public Utility Commission of Texas Petition for Expedited Waiver of 47 C.F.R. Section 52.19(c)(3)(ii) for Area Code Relief, *Order*, DA 98-2141, NSD File No. L-98-105 (rel. October 23, 1998) (*Texas Order*).

accommodate ten-digit dialing. “Islands” of ten-digit dialing within the metropolitan area, which many communities perceive as unfair, would be avoided.

At the same time, the detriments to competition would be few or non-existent. Because of the ICC’s foresight, permissive ten-digit dialing already exists throughout the Chicago metropolitan area. Number portability is up and running throughout the area. Thousands-block number pooling is working in the 847 and 630 NPAs and will be in place in the other NPAs before an overlay NPA is needed for those NPAs. CLECs already have been assigned significant quantities of NXX codes in the existing NPAs. The Commission’s Rule 52.19(c)(3)(iii) insures that every certificate CLEC will have at least one NXX code in the existing NPA before the overlay code is implemented.⁷ Rule 52.19(c)(3)(i) insures that the all service overlay will be technology neutral, and NXX codes from the overlay code will be assigned on a first-come, first-served basis.⁸ Implementation of the all service overlays will end the competitive bickering over area code relief plans and ensure that telephone numbers are available whenever any carrier needs them.

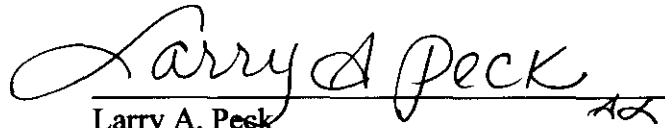
For all of these reasons, Ameritech recommends that the Illinois Commerce Commission’s Petition be granted. Chicago-area customers have experienced the inconvenience and costs of three geographic splits in the last four years (708/847, 708/630, 312/773). Customers should not now be asked to experience the additional dialing inconvenience and

⁷ 47 C.F.R. Section 52.19(c)(3)(iii).

⁸ 47 C.F.R. Section 52.19(c)(3)(i).

confusion which would result from the piece-meal implementation of mandatory ten-digit dialing in the Chicago metropolitan area. That dialing disparity and confusion can be avoided by granting the ICC's request for a temporary waiver of Rule 52.19(c)(3)(ii).

Respectfully submitted,

A handwritten signature in cursive script that reads "Larry A. Peck". The signature is written in dark ink and is positioned above a horizontal line.

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Dated: September 16, 1999
[lap\comments\filing]

-CERTIFICATE OF SERVICE

I, Grace Germain, do hereby certify that a copy of the Comments of Ameritech has been served on all parties of record, via first class mail, postage prepaid, on this 16thth day of September, 1999.

By Grace Germain
Grace Germain *AG*

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